



In re Application: BOERTJES, David, W.; HINDS, Mark, R.; PARSONS, Kieran, J.;
PARRY, Simon, Paul
Serial No.: 10/029,282
Filed: December 28, 2001
Title: PROGRAMMABLE OADM WITH CHROMATIC DISPERSION,
DISPERSION SLOPE AND AMPLITUDE RIPPLE
COMPENSATION, AND METHOD
Group: 2613
Examiner: LEUNG, Christina Y
Attorney Ref.: PAT 2682-2 US

Declaration under 37 CFR 1.131

The undersigned, David Boertjes, hereby declares on information and belief:

- 1) I am the first named inventor of the present patent application.
- 2) Further to my previous Declarations of August 30, 2005, and February 15, 2006, I have reviewed my files pertaining to the present invention.
- 3) A powerpoint presentation that demonstrates conception of the present invention was prepared by my co-inventor on April 13, 2000 and sent to me via email on April 14, 2000. The presentation is attached as Exhibit "A".
- 4) We had to co-ordinate with co-inventors spread across two continents and then spent the following months further making further refinements and seeking and obtaining management approval to proceed with implementing the invention. We each had many other responsibilities during the same timeframe which forced us to divide our time among several projects, hence limiting the amount of time we could spend pursuing this invention. However we continued to pursue it, and never ceased doing so.
- 5) As set out in my prior declaration, an invention disclosure was submitted to the Nortel Networks patent department no later than 10 October 2000. A review process and subsequent patent application preparation occurred between at least 10 October 2000 and the time the instant patent application was filed on 28 December 2001.

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